

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. DISTRICT COURT
DISTRICT OF MAINE
PORTLAND
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U.S. Bank Trust, NA as Trustee, for
LSEHF III Master Pmt. Trust II

Plaintiff,

v.

Robert Rodin

Defendant,

DEPUTY CLERK

Civil Action: 2:21-CV-00175-JAW

ANSWER TO FORECLOSURE COMPLAINT

[Check all boxes that apply. Add any additional statements at the end.]

1. ☒ I admit that I signed a note.
or
☐ I deny that I signed a note.
2. ☒ I admit that I signed a mortgage
or
☐ I deny that I signed a mortgage.
3. I am without knowledge as to whether the Plaintiff is the lawful holder of the Note or owner of the Mortgage. Therefore, I deny those allegations.
4. ☒ I admit receiving a default notice. I am without knowledge as to whether the default notice is accurate or lawful. Therefore, I deny that the default notice is lawful.
or
☐ I deny that I received a default notice.
5. I am without knowledge as to whether I breached a condition of the mortgage and note. Therefore, I deny that allegation.
6. I am without knowledge as to whether the Plaintiff's allegation of the amounts owed on the note and mortgage is correct. Therefore, I deny that allegation.

Additional Counts

7. To the extent the Plaintiff asserts claims in addition to a claim for foreclosure, I am without knowledge as to the truth of the allegations supporting those claims, and therefore I deny those allegations. I also deny that those claims are legally valid.

AFFIRMATIVE DEFENSES

1. I reside in the property at issue in this case as my primary residence; I obtained the loan for personal, non-commercial purposes; and the Plaintiff has not provided me a notice of default and right to cure that complies with 14 M.R.S. § 6111.
2. The Plaintiff has not provided me a notice of default and right to cure that complies with the terms of the note and/or mortgage.
3. Plaintiff has not satisfied all conditions precedent to enforcing the note and/or mortgage and/or accelerating the debt underlying those agreements.
4. Plaintiff's claims for relief are barred, reduced, subject to setoff and/or subject to recoupment on the ground that the Plaintiff failed to deliver sufficient notice of transfer and and/or failed to follow the foreclosure procedures set forth in Maine law, 14 M.R.S. § 6321 et seq.
5. Plaintiff's claims for relief are barred, reduced, subject to setoff and/or subject to recoupment on the grounds of estoppel, unclean hands, laches, and waiver.
6. Plaintiff lacks standing to bring this Complaint.
7. ☐ Other: _____

REQUEST FOR MEDIATION

☐ [check box if this applies to you] I live in the property at issue in this foreclosure action as my primary residence. I request that this case be referred to mediation in the Foreclosure Diversion Program established by 14 M.R.S. § 6321-A. *See HSBC Bank USA, N.A. v. Lombardo*, No. 2:19-cv-00291-NT, 2020 WL 6136213 (D. Me. Oct. 19, 2020) (holding referral to Foreclosure Diversion Program mediation pursuant to 14 M.R.S. § 6321-A is required where eligible homeowner is named in a foreclosure suit filed in federal court).

WHEREFORE, Defendant prays that the Complaint be dismissed, for their costs, for any attorney's fees expended in defending this case, and for such further relief as the nature of the case may require.

RESPECTFULLY SUBMITTED,


(Signature)

Robert Morin
(Print Name)

7 Lowe Rd
(Address)

Greene ME 04236

207-520-7223
(Phone Number)

CERTIFICATE OF SERVICE

I affirm that I have delivered a copy of this Answer to the attorney for the Plaintiff by mailing a copy.

Dated: 9-20-2022


(Signature)